

READING BOROUGH COUNCIL

Guide to Creating Data Privacy Notices (DPNs) Under GDPR

The GDPR sets out the information that you should supply and when individuals should be informed.

The information you supply about the processing of personal data must be:

- concise, transparent, intelligible and easily accessible
- written in clear and plain language, particularly if addressed to a child
- free of charge

<b>The identity and contact details of the company</b> Reading Borough Council
<b>Contact details of the Data Protection Officer</b> <i>Ricky.gill@reading.gov.uk</i>
<b>What Personal Data is held?</b> <i>Name, Date of Birth, next of Kin, medical details, religion</i>
<b>How will the data be stored?</b> <i>Paper records will be used to capture personal data within the Councils Emergency Evacuation Centres.</i>  <i>Paper records or electronic records may be used to capture personal details for other types of emergencies where the Council needs to assist the public in responding to the emergency/major incident, recovering from the emergency/major incident or to assist with delivering other Councils duties in association with the emergency/major incident</i>
<b>What is the legal basis for the collection, use and storage of the data?</b> <i>Civil Contingencies Act Part 2 - In an emergency the Council has a legal Duty to respond and amongst other things to "receive evacuees" and to provide survivor reception centres or similar centres where the public may need to attend as evacuees and be registered (i.e. if the Council receives evacuees' it will need to take personal details from the evacuees in order to facilitate their needs (i.e. meals or religious requirements or to segregate those bringing evacuated pets from those with animal allergies). We also have a legal duty under the Civil Contingencies Act to cooperate with the emergency services and share information and this is relevant RE evacuations or similar emergencies especially where there are fatalities, in which case the Council will need to assist the Police Casualty Bureau by providing information about those received as evacuees so that they can be discounted as a fatality.</i>  <i>During flooding the Council needs to identify properties that have flooded and gather details of the residents occupying those properties to ascertain if residents require support or to assist with identifying residents who may qualify for flood grants.</i>

<p><i>Other types of emergencies (industrial fires, terrorism, pipeline accidents, reservoir collapse, etc etc) have similar consequences (evacuation or shelter, casualties/fatalities or property damage) and thus the Council may need to identify and record personal details of residents effected by an emergency in order to provide support to them.</i></p>
<p><b>Give details of how long the data will be stored and criteria used to determine this?</b></p> <p><i>The data will be stored for 1year unless there is the suggestion of a criminal investigation or public enquiry, in which case the data will be stored as long as is required to facilitate the investigation or public enquiry</i></p>
<p><b>Who will it be shared with and for what purpose?</b></p> <p><i>The information will be shared internally with relevant Council services such as Housing or Council Tax, or Social Care such that support can be provided RE re-housing, social care or council tax discounts/rebates offered if relevant for properties that are no longer occupiable.</i></p> <p><i>The information will also be shared with Emergency Service Partners</i></p> <p><i>Police for Casualty Bureau and to facilitate investigation</i></p> <p><i>Fire Service – To assist with search and rescue operations</i></p> <p><i>Ambulance – to assist with provision of healthcare in the event of injuries to evacuees.</i></p> <p><i>Voluntary \sector – i.e. British Red Cross to assist with management of the emergency response</i></p>
<p><b>How can the service user get access to it?</b></p> <p><i>Subject Access Request can be made by following the link: <a href="http://www.reading.gov.uk/dataprotection">www.reading.gov.uk/dataprotection</a></i></p>
<p><b>State whether any data is to be transferred outside the EU?</b></p> <p><i>No</i></p>
<p><b>Is processing based on consent?</b></p> <p><i>The public will be asked at the time of capturing the information if they are willing to provide it.</i></p>
<p><b>What other rights does the service user have that we have to make known to them?</b></p> <p><i>The right to have their data corrected, the right to have their data deleted and their right to put a complaint to the Information Commissioner’s Office (ICO)</i></p>
<p><b>State if there will be any automated decision making</b></p> <p><i>NO</i></p>

Consent

Classification: OFFICIAL

The GDPR sets out a higher standard for consent than the Data Protection Act. The GDPR defines consent as *'any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.'*

Consent has to be a positive indication of agreement to personal data being processed. It cannot be inferred from silence, pre-ticked boxes or inactivity. Opt out consent is no longer acceptable under the GDPR. The GDPR is clear that controllers have to demonstrate that consent was given, so a review is best practice in order to ensure there is an effective audit trail.

#### **How should you write a consent request?**

Consent requests need to be easy to understand and separate from any other information such as general terms and conditions.

The consent request must include the name of your organisation and the names of any third parties who will rely on the consent.

Your purpose for wanting the data and the processing activities you will be doing with the data need to be included.

The right to withdraw consent at any time and how to do this must be included.

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